

**SIXTY-SIXTH DAY**  
(Monday, May 11, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

Major John Mikles, Texas Divisional Commander, Salvation Army, Dallas, offered the invocation.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 7, 1981, was dispensed with and the Journal was approved.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 11, 1981

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 586**, Relating to the prohibition of discrimination in certain transactions concerning employment, public accommodation, credit, and real property.

**H.B. 601**, Relating to the purchase of newspapers for use in public schools.

**H.B. 696**, Relating to the sales and use tax exemption of certain nonprofit organizations and organizations qualifying for exemption from federal income taxation.

**H.B. 805**, Relating to the days on which emergency elections ordered by the governor may be held and the content of an emergency election proclamation.

**H.B. 1161**, Relating to the regulation of fireworks displays.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**CO-AUTHOR OF SENATE BILL 1139**

On motion of Senator Williams and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 1139.

**CO-AUTHOR OF SENATE BILL 1173**

On motion of Senator Brooks and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 1173.

**REPORTS OF STANDING COMMITTEES**

Senator Jones submitted the following report for the Committee on Finance:

S.B. 617 (Amended)  
S.B. 970  
C.S.S.B. 452 (Read first time)

Senator Caperton, Acting Chairman, submitted the following report for the Committee on Human Resources:

H.B. 1812 (Amended)

Senator Brooks submitted the following report for the Committee on Human Resources:

H.B. 798 (Amended)

Senator Doggett, Acting Chairman, submitted the following report for the Committee on Human Resources:

C.S.H.B. 1334 (Read first time)

Senator Uribe, Acting Chairman, submitted the following report for the Committee on Human Resources:

C.S.S.B. 213 (Read first time)

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 1735  
H.B. 2125  
S.B. 1218  
H.B. 2207  
S.B. 1118  
C.S.H.B. 769 (Read first time)

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.B. 1421  
H.B. 2149  
C.S.H.B. 1379 (Read first time)

### SENATE BILLS ON FIRST READING

On motion of Senator Ogg and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1262 by Ogg** Intergovernmental Relations  
Relating to the reimbursement of certain hospital districts for services rendered  
to nonresident patients.

**S.B. 1263** by Uribe Intergovernmental Relations  
Amending Chapter 15, Acts of the 37th Legislature, Second Called Session, 1921 (Article 1264, Vernon's Texas Civil Statutes), relating to current expense warrants; containing other provisions relating to the subject; and declaring an emergency.

**S.B. 1264** by Uribe Intergovernmental Relations  
Relating to the creation of a judicial district composed of Hidalgo County.

<b>S.B. 1268 by Mauzy</b>	<b>Intergovernmental Relations</b>
<b>Relating to the management of public funds.</b>	

**S.B. 1269 by Vale** Intergovernmental Relations  
 Authorizing the City of San Antonio or a nonprofit corporation organized under Texas law and designated by the City of San Antonio to apply for and accept a grant to establish, operate, and maintain a foreign trade zone; amending Section 1, Chapter 265, Acts of the 65th Legislature, Regular Session, 1977 (Article 1446.10, Vernon's Texas Civil Statutes).

## HOUSE CONCURRENT RESOLUTION 178

Senator Sarpalius offered the following resolution:

**H.C.R. 178**, In memory of Paul Green, Pulitzer Prize winner and author of the musical "The Lone Star".

The resolution was read.

On motion of Senator Sarpalius and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

## SENATE RESOLUTION 603

Senator Truan offered the following resolution:

WHEREAS, Amado Maurilio Pena, Jr., a native Texan born in Laredo, has in recent years been widely acclaimed as a leading contemporary Southwestern artist, thereby bringing recognition and glory not only to himself, but to the entire Chicano community and the State of Texas as well; and

WHEREAS, Having received his bachelor and masters degrees from Texas A&I University in Kingsville, Mr. Pena began his 15 years as a teacher of art in Texas school systems; his last seven years of teaching were spent at Anderson High School in Austin, where he guided and helped to begin the careers of aspirant artists; and

WHEREAS, While teaching he began to achieve recognition throughout the nation for his work, and last May he started devoting all of his time to his professional career; and

WHEREAS, The works of this outstanding artist are now being displayed in 50 galleries across the country as his national prominence continues to grow; and

WHEREAS, Mr. Pena's paintings have been published in many books devoted to the work of Chicano artists and have been featured at more than 30 one-man retrospective exhibitions in galleries and museums from Santa Barbara, California, to Washington, D. C.; and

WHEREAS, A highly civic-minded man, Mr. Pena has been described by Mr. Erasmo Andrade, Chairman of the Austin Bilingual Education Parent Advisory Council, as being "extremely unselfish with his financial contributions and materials to our Council efforts to send parents to the International Bilingual Conference in Boston in May of 1981. But more important is the fact that he has shared his knowledge and skills with students and Chicano artists all over the state and nation. Amado has always supported 'La Causa del Chicano'"; and

WHEREAS, Mr. Pena's art will travel internationally and be featured in cultural exhibits in the countries of the Republic of China, Japan, and Israel; and

WHEREAS, This truly national and international ambassador for Chicano art will have his work displayed in the Capitol Rotunda on May 11, 12, and 13, 1981; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, hereby commend Mr. Amado Maurilio Pena, Jr., for his quite meaningful contribution to the art of the Southwest; and, be it further

RESOLVED, That the Senate express its pleasure in having the art of Mr. Pena on display in the Capitol Rotunda this month; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for presentation to Mr. Pena as a token of esteem and gratitude from the Senate of Texas.

TRUAN  
TRAEGER  
DOGGETT

The resolution was read and was adopted.

#### GUEST PRESENTED

The President requested that Senators Truan, Traeger and Doggett escort Mr. Pena to the President's Rostrum.

Mr. Pena was welcomed and presented an enrolled copy of Senate Resolution 603 by the President.

#### MESSAGE FROM TEXAS EDUCATION AGENCY

The following Message from the State Board of Education was read and was referred to the Subcommittee on Nominations:

May 9, 1981

The Honorable William P. Hobby  
Lieutenant Governor of Texas  
Capitol Building  
Austin, Texas 78711

Dear Governor Hobby:

The State Board of Education would like to submit the name of Raymon L. Bynum for consideration by the Texas Senate for the position of Commissioner of Education. The Board appointed Mr. Bynum for this position at its regular meeting on Saturday, May 9, 1981 by a unanimous vote.

Mr. Bynum meets the statutory requirements and his resume is attached.

I would respectfully request consideration of his appointment at the earliest convenience of the Senate.

Sincerely,

/s/Joe Kelly Butler, Chairman  
State Board of Education

Attachment

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas  
May 11, 1981

#### TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

#### TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE BRAZOS RIVER AUTHORITY:

For a six-year term to expire February 1, 1987:

CHESTER ROBERT UPHAM, III of Mineral Wells, Palo Pinto County, will be replacing Don T. Kearby of Mineral Wells, Palo Pinto County, whose term expired.

WILLIAM ANSEL PREWITT, III of Temple, Bell County, will be replacing Hugh Dobbs of Hillsboro, Hill County, whose term expired.

#### TO BE A MEMBER OF THE BOARD OF REGENTS OF PAN AMERICAN UNIVERSITY:

For a six-year term to expire August 31, 1985:

ROBERT SHEPARD of Harlingen, Cameron County, will be filling the unexpired term of Mrs. Billie C. Pickard of Raymondville, Willacy County, who was not confirmed.

#### TO BE A MEMBER OF THE UPPER COLORADO RIVER AUTHORITY:

For a six-year term to expire January 1, 1987:

HARVEY DANIEL GLASS, JR. of Sterling City, Sterling County, is replacing Jack Douthit, whose term expired.

BRUCE H. FISHER of San Angelo, Tom Green County, is replacing J. Dale Leddy, whose term expired.

BRIAN RICHARDS of Bronte, Coke County, is replacing M. Royce Lee, whose term expired.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment pursuant to Senate Bill No. 596:

TO BE DISTRICT ATTORNEY OF THE 29TH JUDICIAL DISTRICT, PALO PINTO COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED.

JIMMY A. ASHBY of Mineral Wells, Palo Pinto County.

I ask the advice, consent and confirmation of the Senate with respect to the following appointment pursuant to Senate Bill No. 596:

TO BE JUDGE OF THE 275TH JUDICIAL DISTRICT, HIDALGO COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

THE HONORABLE ARTURO E. GUERRA, JR. of McAllen, Hidalgo County.

Respectfully submitted,

William P. Clements, Jr.  
Governor of Texas

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of Senate:

Austin, Texas  
May 6, 1981

TO THE MEMBERS OF THE SENATE, SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION, STATE OF TEXAS:

Pursuant to Article IV, Section 14 of the Constitution of the State of Texas, I herewith return to you Senate Bill 297, vetoed for the following reasons:

Senate Bill 297 purports to change the designation of airport security personnel to airport police personnel. The fiscal note attached to the bill indicates there is "no fiscal implication or additional cost to the State or units of local government attributable to the bill."

Subsequent to the passage of Senate Bill 297, I received a letter from the mayor of Corpus Christi that states, "The extra cost to Corpus Christi alone is over \$300,000." It has been conveyed to me that similar and greater costs would occur in El Paso, Dallas, San Antonio, Austin, and Houston.

In addition, my staff received telephone calls from the Chiefs of Police of Austin, El Paso, Dallas and Corpus Christi expressing their opposition to Senate Bill 297. They point out that currently airport security personnel are peace officers and can carry guns. However, their level of training as peace officers in no way compares to the training required by full service police officers in the cities listed above. In fact the airport security personnel are confined to a specific geographical area, and the nature of their work in no way compares to a full service police officer. The Chiefs of Police do not want these security personnel under their supervision and direction because of the disparity in their training.

An added cost to the cities in the long-range sense is the result of these personnel being subject to police unions and collective bargaining as provided in Article 5154c-1 of the statutes and being under State Civil Service by Article 1269m.

Because of the added costs to certain cities and because of the objections by cities affected by the bill, I therefore, exercise my constitutional right to disapprove of this legislation and accordingly, I am returning Senate Bill 297 to the Senate unsigned.

Respectfully,

William P. Clements, Jr.  
Governor

#### SENATE CONCURRENT RESOLUTION 109

Senator Parker offered the following resolution:

WHEREAS, Senate Bill Number 418 has been passed by both the Senate and the House and is now in the office of the Governor, and there are certain corrections to be made therein; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Governor be and is hereby respectfully requested to return Senate Bill Number 418 to the House for correction; and, be it further

RESOLVED, That the action of the President of the Senate and the Speaker of the House of Representatives in signing Senate Bill Number 418 be declared null and void, and that the two presiding officers be authorized to remove their signatures from the enrolled bill; and, be it further

RESOLVED, That Senate Bill Number 418 be returned to the House for further consideration.

The resolution was read.

On motion of Senator Parker and by unanimous consent, the resolution was considered immediately and was adopted.

#### HOUSE BILL 2199 REREFERRED

On motion of Senator Ogg and by unanimous consent, H.B. 2199 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Natural Resources.

#### RULING ON SENATE RULE 105

Senator Traeger inquired whether or not that portion of Senate Rule 105 requiring a committee chairman, at the request of a senator, to give that senator 48 hours advance notice in writing of the time and place of the hearing on a bill applies to Senate bills.

The President stated that the rule applies to both House and Senate bills.

Senator Vale inquired whether or not, under Rule 105, a request for 48 hours advance notice in writing of the time and place of a hearing on a bill must be honored if the bill was previously posted for hearing but was not heard by the committee at the scheduled committee meeting.

The President stated that a request for notice under Rule 105 must be honored even though the bill was previously posted if the bill was not heard at the time posted.

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 20  
H.C.R. 150  
H.B. 373  
H.B. 388  
H.B. 448  
H.B. 480  
H.B. 481  
H.B. 576  
H.B. 742  
H.B. 803  
H.B. 859  
H.B. 873  
H.B. 941  
H.B. 1093  
H.B. 1139  
H.B. 1399  
H.B. 1412  
H.B. 1413  
H.B. 1543  
H.B. 1789  
H.B. 1915  
H.B. 1941  
H.B. 1954  
H.B. 1955  
H.B. 1956  
H.B. 1958  
H.B. 1999  
H.B. 2012  
H.B. 2124  
S.B. 319

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **H.B. 656** today.

#### **COMMITTEE APPOINTED**

In accordance with the provisions of **S.C.R. 90** the President announced the appointment of the following as a Committee to escort Commander Young and Captain Crippen to the Joint Session: Senators Brown, Farabee, Harris, Meier and Wilson.



**SENATE RULE 103 SUSPENDED**

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Jurisprudence might consider **H.B. 912** tomorrow.

**COMMITTEE SUBSTITUTE SENATE BILL 85 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 85**, Relating to the coordination of community programs for the development of children and youth.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 85 ON THIRD READING**

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 85** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO RECESS**

Senator Mauzy moved at 11:56 o'clock a.m. that the Senate take recess until 2:00 o'clock p.m. today at the conclusion of the Joint Session.

**JOINT SESSION**

(To hear address by Commander John W. Young and Captain Robert L. Crippen, space shuttle "Columbia" pilots)

The President announced that the hour for the Joint Session of the two Houses to hear addresses of Commander John Young and Captain Robert L. Crippen, pursuant to **S.C.R. 90**, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 1:00 o'clock p.m.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

Commander Young and Captain Crippen and their parties were announced by the Doorkeeper of the House.

Commander Young's and Captain Crippen's party was escorted to the Speaker's Rostrum by Senators Brown, Farabee, Harris, Meier and Wilson on the part of the Senate and Representatives Pennington, McCloud, Bomer, Grubbs and Barton on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Bill Clayton, Speaker of the House of Representatives, announced a quorum of the House present and announced the purpose of the Joint Session.

The Speaker presented Senator Brown who introduced Commander Young and Captain Crippen.

Captains Young and Crippen addressed the Joint Session. (Text of addresses found in House Journal of Monday, May 11, 1981.)

The Speaker presented General Willie Scott, Adjutant General, National Guard, and Miss Ellen Crippen, Captain Crippen's daughter and student at The University of Texas.

Captains Young and Crippen presented a Texas flag that had been aboard the space vehicle "Columbia" and a plaque.

The President accepted the gifts and presented enrolled copies of Senate Concurrent Resolution 90 to the pilots. Speaker Clayton presented gavels and expressed the appreciation of all Texans for their voyage.

#### **RECESS**

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 1:34 o'clock p.m. recessed until 2:30 o'clock p.m. today in accordance with a motion previously adopted by the Senate.

#### **AFTER RECESS**

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

#### **COMMITTEE OF THE WHOLE SENATE**

On motion of Senator Santiesteban and by unanimous consent, the Senate resolved itself into the Committee of the Whole Senate in order to discuss redistricting, with Senator Santiesteban serving as Chairman.

#### **IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 2:49 o'clock p.m.

#### **MEMORIAL RESOLUTIONS**

**S.R. 605** - By Short: Memorial resolution for Don T. Durham.

**S.R. 609** - By Kothmann: Memorial resolution for Lieutenant Colonel Glenn Houston Curry.